

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Acceleration of Broadband Deployment:	)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of	)	
Broadband Deployment by Improving Policies	)	
Regarding Public Rights of Way and Wireless	)	
Facilities Siting	)	

**COMMENTS OF CITY OF SANDY, OREGON**

These Comments are filed by the City of Sandy, Oregon in response to the Notice of Inquiry (Notice), released on April 7, 2011, in the above-entitled proceeding.

**INTRODUCTION**

Sandy is a rural town of 10,000 population east of the Portland metropolitan area. It is the center of the 425-square-mile Oregon Trail School District, and the home of the headquarters office of the Mt. Hood National Forest (US Forest Service). Sandy's economy is a healthy mix of agriculture (berries and ornamental plants), light industry, offices, tourism and many home-based businesses. Sandy is the gateway to the Mt. Hood recreation area as well as fishing, rafting, hiking and biking in the Sandy River valley.

Private telecommunications providers in Sandy include a telephone company and a cable TV company. Each service has been provided by a succession of three out-of-state companies over the past two decades. Historically, broadband service for our citizens has been either non-existent or poor.

**RIGHTS OF WAY AND WIRELESS FACILITIES SITING ISSUES**

Section II of the Notice, Rights of Way and Wireless Facilities Siting Issues, includes six subsections. Here, those six subsections are grouped and addressed in the following manner:

- Timeliness, Ease, and Reasonableness of the Permitting Process and Charges;
- Qualitative Information; and
- Experience Implementing Local Regulations Related to Rights of Way and Wireless Facilities Siting.

**Timeliness, Ease, and Reasonableness of the Permitting Process and Charges**

The City of Sandy has been very liberal in allowing private telecommunications corporations to use the city's public rights-of-way. For franchised services, such as local phone and cable TV service, franchise agreements have been streamlined and franchise fees are at or below the average in Oregon. Multiple changes of ownership of the franchised service have been allowed

with no new requirements. In a recent project to move downtown utility wires underground, the city's Urban Renewal Agency helped fund the utilities' costs, even though under the terms of the franchise agreements it was not legally obligated to do so. Long-haul broadband facilities (fiber) have been allowed to use city rights-of-way with no other obligation than to restore streets to their initial condition; only recently has the city adopted a modest (\$2/foot/year) fee for the use of this asset.

No applications have been filed to construct private cell towers within the city limits. The City of Sandy has constructed two towers for wireless Internet service and municipal communications and has followed its own land use and permitting process for those. The most onerous and time-consuming requirements were from the FAA, not the city.

### **Qualitative Information**

#### **Experience Implementing Local Regulations Related to Rights of Way and Wireless Facilities Siting**

In the face of mounting complaints from residents and businesses about the lack of broadband service, the Sandy City Council in 2001 created a municipal broadband utility, and began offering, as a city service, DSL, wireless, and fiber-based broadband services. The city recently received funding under the American Recovery and Reinvestment Act to expand its wireless broadband service coverage to underserved and unserved rural residents outside the city limits (USDA BIP program). The city is also undertaking a pilot program to deploy Fiber to the Home (FTTH), offering residents 100Mbps to 1000Mbps Internet service for a projected cost of under \$40/month (private sector partners will be encouraged to offer phone and TV service directly to home customers using this infrastructure).

In recent years, the local franchised telephone company has upgraded its DSL service, although many homes still cannot be served due to technical limitations. The cable company, in the last two years, finally upgraded its system to provide cable modem service via coaxial cable.

The City of Sandy has provided wireless Internet service using a variety of unlicensed bands of spectrum: 2.4Ghz Wi-Fi, 5.8Ghz (primarily for backhaul), and 900Mhz. Aside from physical and cost considerations, siting towers has not been a challenge. By far the biggest impediment to decent wireless Internet service is that the FCC has not made spectrum available to small municipal ISPs like ours to provide signals with sufficient power and free of interference. Having a handful of private corporations vying for the same spectrum and building redundant infrastructure for wireless (mobile) broadband is misguided national policy.

### **SOLUTIONS**

Wireless Internet Service The FCC should allocate spectrum at no cost reserved to municipal ISPs for inexpensive high-speed broadband service. Wireless mobile Internet service is a natural monopoly and preference should be given to public (government) providers such as municipalities, coops, or authorities along the lines of the Bonneville Power Authority or Tennessee Valley Authority. The national government could also provide it directly, possibly under contract with a private firm.

Fiber to the Premises Physical limitations of wireless service mean that it is only a stop-gap solution while we build fiber to fixed locations (homes and businesses). In the long run, wireless

service will serve primarily mobile uses that cannot be served directly by fiber. Due to its capacity advantages, fiber optic distribution networks are essential for world-class broadband service, yet few telecom monopolies are investing in last-mile fiber infrastructure.

Here, the nation's dismal performance compared to other developed (and developing) nations is due to national policy that last-mile service will be provided on a competitive basis. This is absurd; it is the same as a system that would assume multiple providers of local streets, water pipes, and sewer pipes. It makes no more sense to serve a home with multiple data pipes than to serve it with multiple water or sewer pipes. Last-mile fiber-based data transport service should be provided as a municipal utility as it is for local streets, water, and sewer service. The private sector should be relied on for content; this is where competition makes sense, and this is where the real profits lie.

## **CONCLUSION**

The City of Sandy would like to thank the Commission for its efforts to better understand the practices and policies surrounding cities' management of public rights of way. The City of Sandy strongly encourages the Commission to consider its comments, as well as those submitted by all cities, before taking any action that may adversely affect the rights of way authority of cities. The City of Sandy respectfully reminds the Commission that it must resist moving forward in any other context to act on any of the issues raised in the Notice until the record in this proceeding is complete.

Respectfully submitted,  
City of Sandy

A handwritten signature in blue ink that reads "William King". The signature is written in a cursive style with a large, stylized "W" and "K".

By: William King, Mayor